

# **EXHIBIT A**

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**RE: Texas Lawyer article / Kinney continues to push false narrative to my clients**

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**Bookhout, James** <james.bookhout@dlapiper.com>

Sat, May 16, 2020 at 8:57 AM

To: Evan Jowers &lt;evan@evanjowers.com&gt;

Cc: "Katz, Marc" &lt;marc.katz@dlapiper.com&gt;, Robert Tauler &lt;rtauler@taulersmith.com&gt;, "Bernardo, Micala" &lt;micala.bernardo@dlapiper.com&gt;, Valerie Saryan &lt;vsaryan@taulersmith.com&gt;

Evan,

Thanks for your email. As you know, we sent Kinney conference emails on a number of outstanding topics this week. We are getting close to the point at which a motion to compel would become appropriate, but we are not quite there yet. Unfortunately, since the hearing to which you refer was before a magistrate judge, there wasn't a court reporter or transcript created.

At this point, we actually do not think that Kinney has only produced emails between you and Kinney and you and Yuliya, although certainly he has produced a lot of those types of emails. We are continuing to work on loading tens of thousands of additional documents that Kinney has produced to us; we copied Rob on a conference email to Kinney about that issue on Thursday. Kinney is also supposedly producing additional documents on Monday.

The news coverage is certainly frustrating, but we continue to pursue Kinney across a variety of discovery issues, and we appear to be making progress on those. If a motion to compel is needed, we will be in a much better position with the Court to file it given the back and forth with Kinney and having a written refusal to produce certain documents.

We hope you are staying safe and healthy.

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**Subject:** Texas Lawyer article / Kinney continues to push false narrative to my clients

[EXTERNAL]

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James - Last week I noticed the Texas Lawyer article below. Kinney continues to push a false narrative to my clients that I have not been cooperating in discovery and thus he has no choice but to seek docs from them, causing my clients to think I am creating problems for them through my "inaction" or "game playing" in discovery (as alleged by Kinney). The media play that happened with Judge Austin's rulings and hearing helped Kinney in this effort.

<https://www.law.com/texaslawyer/2020/05/04/exasperated-texas-judge-warns-lawyers-in-recruiter-case-against-game-playing/>

Do we have a transcript of the hearing?

I am really looking forward to our motion to compel discovery when we can properly file it. I understand it may take some days or weeks before we can file a motion to compel without upsetting Judge Austin, after we have given Kinney enough chances to comply.

It's hard for me to help much with the discovery search when we comically were only given by Kinney my own emails Robert Kinney had directly with me and with Yuliya.

Best,

Evan

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